



# City of Seattle

Gregory J. Nickels, Mayor

## Department of Planning & Development

D. M. Sugimura, Director

### CITY OF SEATTLE DETERMINATION OF NON-SIGNIFICANCE BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3003088

**Applicant Name:** Andrew Novion for R & M Design and Development, LLC

**Address of Proposal:** 820 28<sup>th</sup> Avenue South

#### SUMMARY OF PROPOSED ACTION

Land Use Permit to establish the use as townhouses (one 2-unit and one 3-unit structure, a total of 5 units) in an environmentally critical area. The existing structures will be removed under a separate permit.

The following approval is required:

**SEPA - Environmental Determination** - Chapter 25.05,  
Seattle Municipal Code.

**SEPA DETERMINATION:**     DNS        DNS with conditions

DNS involving non-exempt grading or demolition or involving  
another agency with jurisdiction

#### BACKGROUND DATA

Site Location:            Judkins Neighborhood

Zoning:                 Lowrise 2

Parcel Size:            6,188.5 square feet

Existing Use:            single family residence and a detached garage

Proposal Description: Demolish the existing single family residence and detached garage and construct one 2-unit and one 3-unit structure, a total of 5 units, in an environmentally critical area.

Public Comment:        No comment letters were received during the comment period which ended August 24, 2005.

## ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated [July 27, 2005](#). The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

### Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

**DECISION**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

**CONDITIONS**

None required.

Signature: (signature on file) Date: May 4, 2006  
Malli Anderson, Land Use Planner